



PAGE COUNTY BOARD OF SUPERVISORS

MEETING MINUTES

JULY 24, 2001

BOARD OF SUPERVISORS MEETING ROOM

1:30 P.M.

Minutes marked as "Not Adopted" are posted prior to being adopted by the Board of Supervisors. Some corrections may be made at the next regular meeting of the Board. Please call the County Administrator's Office at (540) 743-4142 if you have a question about a specific item.

MEMBERS PRESENT: Allen Cubbage, Chairman, District 3

Nora Belle Comer, Vice Chairman, District 1

Elaine Mayberry, Supervisor, District 2

Gerald Cubbage, Supervisor, District 4

Robert Good, Supervisor District 5

ALSO PRESENT: Dean BeLer, County Administrator

Steve Miner, HR Partners

Donna Hoke, Administrative Assistant

50 plus citizens

CALL TO ORDER: Chairman Allen Cubbage called the meeting to order at 1:30.

Mr. BeLer addressed the Board with a brief statement pertaining to the proposed landfill issues and presentation. He noted that due to miscommunication, the consultants would not be available for the meeting. Mr. BeLer informed the Board and citizens of the current time frame and format that would be associated with the proposed amended contract, and presentation.

Supervisor Gerald Cubbage addressed the Board stating that he would like to put the landfill issue back on the agenda and proceeded to read a recent letter of warning by DEQ. The July 18th letter state that the County may be in violation of the Waste Management Act for not having the proper permits needed

for prior construction and operation of cell # 6 located at Battle Creek Landfill. Supervisor Gerald Cubbage requested that the Board take immediate action to dissolve the current disposal facility agreement with Tellurian.

MOTION:

Supervisor Gerald Cubbage moved that the Board of Supervisors

immediately take steps necessary to terminate the existing Disposal

Facility Agreement ("DFA") between Page County, Virginia and

Tellurian Incorporated ("Tellurian") and cease all ongoing negotiations

concerning the new proposed agreement and settlement. Through the

DFA and the April 15, 1992 contract with Tellurian, they are responsible

for getting all permits needed at the Battle Creek Landfill. However, the

County received a notice of violation from DEQ dated July 18, 2001

concerning the Battle Creek Landfill. This notice advises the County

that Tellurian through a letter dated May 30, 2000 informed DEQ that

"construction of cell 6 at the Battle Creek Landfill was proceeding."

However, the central office of DEQ notified Tellurian by letter dated June

16, 2000 that "no person shall construct, operate or modify a solid waste

facility in the Commonwealth without a permit." It appears from the notice

of violation from DEQ that Tellurian failed to get the necessary permit

from DEQ even after receiving notice that such permit was needed.

According to the DEQ's notice of violation, the County could have a

\$25,000 per day civil penalty imposed on it, in addition to a possible

\$10,000 civil penalty. The July 18th notice of violation comes shortly after

Tellurian's open burning of trash at the Battle Creek Landfill without a permit. For the record, the existing contract with Tellurian Inc. makes them responsible under the April 15, 1992 agreement "for obtaining all necessary permits for the County from relevant federal, state and local government agencies having jurisdiction over the disposal Facility... (Section 2.3).

No second to the motion was received. The motion was carried by a vote of 1-4.

AYES: Gerald Cubbage

NAYS: None

ABSTAIN: Elaine Mayberry, Allen Cubbage, Robert Good,
Nora Belle Comer.

Supervisors noted that they were uncomfortable casting a vote without legal consultation and choose to abstain.

Enter closed session: 1:52 p.m.

MOTION:

Supervisor Good moved the Page County Board of Supervisors enter into a closed meeting pursuant to the provisions of Section 2.1-344.1 of the Code of Virginia, 1950, as amended, for the purpose of discussing legal and personnel.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Gerald Cubbage, Nora Belle Comer,

Allen Cubbage, and Robert Good.

NAYS: None

Exit closed session: 5:10 p.m.

MOTION:

Supervisor Comer move the closed meeting be adjourned and the

Page County Board of Supervisors convene again in open session.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Allen Cubbage, Gerald Cubbage,

Robert Good, and Nora Belle Comer.

NAYS: None

Certification:

" To the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.1-344 of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting of July 24, 2001."

MOTION: Comer SECOND: Good

AYE NAY ABSTAIN ABSENT

Elaine Mayberry X

Nora Belle Comer X

Gerald Cubbage X

Allen Cubbage X

Robert Good X

Upon entering into open session, Chairman Allen Cubbage noted that it was not the Boards intent to

pass the previous motion, but that abstaining was only to clarify that legal counsel should be present. It was asked that Supervisor Gerald Cabbage repeat his motion from earlier in the meeting for a revote.

MOTION:

Supervisor Gerald Cabbage moved that the Board of Supervisors

immediately take steps necessary to terminate the existing Disposal

Facility Agreement ("DFA") between Page County, Virginia and

Tellurian Incorporated ("Tellurian") and cease all ongoing negotiations

concerning the new proposed agreement and settlement. Through the

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permit. For the record, the existing contract with Tellurian Inc. makes them responsible under the April 15, 1992 agreement "for obtaining all necessary permits for the County from relevant federal, state and local government agencies having jurisdiction over the disposal Facility... (Section 2.3).

No second to the motion was received. The motion was denied by a vote of 1-4.

AYES: Gerald Cubbage

NAYS: Elaine Mayberry, Nora Belle Comer, Robert Good, and Allen Cubbage.

Adjourn: 5:15 p.m.

CHAIRMAN COUNTY ADMINISTRATOR

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